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Counsel for Defendant LOPEZ-HERNANDEZ

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,
Plaintiff,
v.
GONZALO LOPEZ-HERNANDEZ,
Defendant.

No. CR 06-645 WHA

**STIPULATION AND ~~[PROPOSED]~~
ORDER FOR CONTINUANCE OF
BRIEFING SCHEDULE AND
TRIAL DATE**

The parties stipulate and respectfully request as follows:

1. Based on the facts as set forth in the accompanying Declaration of Elizabeth M. Falk, filed herewith, the parties hereby stipulate and request the Court to continue the briefing schedule for Defendant's Motion to Dismiss the Indictment, as well the trial date and pretrial conference in this case;
2. The proposed briefing schedule is as follows:

Opening Motion Due: January 2, 2006;
Government Response Due: January 18, 2006

1 Reply Due: January 25, 2006

2 Motion Hearing: January 30, 2006 at 2:00 p.m.

- 3 3. The government's only objection to the proposed modification based on the facts stated
4 in the Declaration of Elizabeth M. Falk is that it seeks to schedule the hearing date on
5 Defendant's motion after the current trial date in this matter, which is currently set for
6 January 29, 2006. Accordingly, the government only stipulates and agrees to the
7 proposed continuance of the briefing schedule and motion hearing date on the
8 conditions that: (a) the trial date be continued until February 20, 2006; (b) the pretrial
9 conference be continued to February 13, 2006; and (c) Defendant's requested exclusion
10 of time under the Speedy Trial Act from December 12, 2006 until January 2, 2006 on
11 the grounds of the effective preparation and unavailability of his counsel be excluded so
12 that there is no prejudice to the government as a result of the proposed continuance;
- 13 4. The parties jointly request an exclusion of time between December 12, 2006 and
14 January 2, 2006 for the reasons stated in the enclosed Proposed Order;
- 15 5. The parties similarly jointly request that the Pretrial Conference Date of January 22,
16 2006 be continued until February 13, 2006, and that the trial date of January 29, 2006
17 be continued to February 20, 2006. Counsel for the defendant, Ms. Falk, will be in trial
18 in *United States v. Quan*, 04-323 WBS, each Wednesday, Thursday, and Friday of each
19 week between January 16, 2006 and some date in April, 2006. As such, Ms. Falk will
20 respectfully request this Court to discuss a further continuance of the trial date at the
21 motion hearing, when and if said motion is unsuccessful.

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23 **IT IS SO STIPULATED**

24 Dated: December 13, 2006

25 _____/S/
26 JULIE ARBUCKLE
Assistant United States Attorney

1 Dated: December 13, 2006

/S/
ELIZABETH M. FALK
Assistant Federal Public Defender

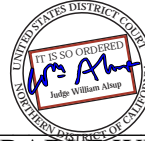
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3 **~~PROPOSED~~ ORDER**

4 For the reasons stated herein, and for good cause shown, the briefing schedule and motion
5 hearing date previously established by this Court for Defendant's Motion to Dismiss the Indictment
6 in the aforementioned case are hereby VACATED.

7 For the reasons stated herein, including the effective preparation of and unavailability of
8 defense counsel, to serve the purpose of providing the defendant with continuity of counsel, and for
9 good cause shown, this Court also finds that the ends of justice served by excluding the period from
10 December 12, 2006 to January 2, 2006 outweigh the interest of the public and the defendant in a
11 speedy trial, and orders that the period from December 12, 2006 to January 30, 2006, is excluded
12 from Speedy Trial Act calculations pursuant to 18 U.S.C. § 3161(h)..

13 **IT IS SO ORDERED.**

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15 December 15, 2006
16 Dated: _____



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THE HONORABLE WILLIAM H. ALSUP
UNITED STATES DISTRICT JUDGE

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